**THE HON'BLE MR JUSTICE V.ESWARAIAH**

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WRIT PETITION NO.6427 of 2007

30th March 2007

Between:

Balde Bheeraiah, S/o.Chandraiah, 33 years, Occ.F.P.Shop Dealer, Shop No.1, Bondugala Village, Rajapet Mandal, Nalgonda District.

**...PETITIONER**

AND

1. The Joint Collector, (Civil Supplies), Nalgonda, Nalgonda District.

And one other.

**...RESPONDENTS**

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**THE HON'BLE MR JUSTICE V.ESWARAIAH**

WRIT PETITION NO.6427 of 2007

**ORDER:**

Petitioner is the Fair Price Shop Dealer of Shop No.1, Bondugula Village, Rajapet Mandal, Nalgonda District. The said dealership has been cancelled on the ground that the petitioner has not distributed 5 quintals of sugar to the cardholders. The said sugar was received on 20.10.2006 and inspection was conducted on 10.11.2006. But the said stocks are still available without any distribution and it is stated that the said stocks were not distributed with an intention to divert into the black market. It is further stated that the stocks were received on 20.10.2006 and the Mandal Revenue Officer directed to issue stock to the new cardholders and the new cards were distributed up to 28.10.2006. In the meanwhile, the petitioner's wife suffered with kidney disease and therefore, the said stocks could not be distributed and the same are available in the premises. There is no intention to divert them into the black market.

Admittedly, the stocks were not diverted to the black market and the accounts maintained by the petitioner goes to show that the said

stocks were received but not distributed. Against the cancellation order, the petitioner filed an appeal before the Joint Collector and the Joint Collector by impugned order dated 15.03.2007 in Case No.CS1/234/2007 rejected the said application, though granted stay with regard to the notification issued by the Revenue Divisional Officer calling upon the applications for the Fair Price Shop Dealers. As the notification calling upon fresh appointment was already stayed and admittedly, the said stocks of sugar were not diverted into the black market and the fact that the petitioner was never intended to divert the stocks into the black market, I am inclined to grant stay of operation of the dealership cancellation order.

Accordingly, the Writ Petition is allowed granting stay of operation of the dealership cancellation order setting aside the order of the Joint Collector dated 15.03.2007 in Case No.CS1/234/2007 rejecting the stay application and there shall be stay of operation of the cancellation order dated 10.01.2007 in Proceedings No.11/2302/06 pending disposal of the appeal filed by the petitioner. No costs.

**(V.ESWARAIAH, J)**

30th March 2007

RRB

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